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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 (Fresno Division)

11 RICHARD REES, ROBERT WINTERS,) CASE NO. CV F 05-0297 LJO SMS
12 individually and on behalf of)
all other similarly-situated,)
13)
Plaintiffs,) DECLARATION AND STIPULATION IN
14) SUPPORT OF REQUEST TO CONTINUE
vs.) PRETRIAL CONFERENCE;
15) ORDER
16)
SOUZA'S MILK TRANSPORTATION,)
17 CO., et al.,)
Defendants.) Trial Date: March 24, 2008
18)

19 **DECLARATION IN SUPPORT OF REQUEST**
20 **TO CONTINUE PRETRIAL CONFERENCE**

21 I, Jerry Budin, declare as follows:

- 22 1. The Court has set a Pretrial Conference in this matter
23 for January 11, 2008 at 8:30 a.m.
- 24 2. Plaintiff's counsel, Jerry Budin, is the lead trial
25 counsel in this matter and, according to the Court's order, must
26 attend the Pretrial Conference.
- 27 3. Plaintiff's counsel, however, has a conflict in that he
28 has a prepaid vacation scheduled with his family to visit his

1 daughter who is attending university in Paris, France. The dates
2 of the prepaid vacation are December 28, 2007 to and including
3 January 15, 2008.

4 4. Because of this conflict, plaintiffs' counsel requested
5 that defense counsel, Daniel Klingenberger, stipulate to a request
6 to the Court to continue the Pretrial Conference to February 8,
7 2008 at 8:30 a.m.

8 5. This date is six (6) weeks before the new trial date of
9 March 24, 2008.

10 As to the facts stated above with respect to the reasons for
11 the requested continuance, plaintiff's counsel, Jerry Budin,
12 declares under penalty of perjury under the laws of the United
13 States that said facts are true and correct.

14 DATED: November 26, 2007 LAW OFFICE OF JERRY BUDIN

15
16 /s/ Jerry Budin
17 JERRY BUDIN
18 Attorney for Plaintiffs,
19 RICHARD REES, et al.

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21 **STIPULATION TO CONTINUE**
22 **PRETRIAL CONFERENCE**

23 Defense counsel, Daniel Klingenberger, stipulates to and joins
24 in the above request to continue the Pretrial Conference to
25 February 8, 2008 at 8:30 a.m.

26 DATED: November 30, 2007 DOWLING, AARON & KEELER, INC.

27 /s/ Daniel Klingenberg
28 DANIEL KLINGENBERGER
Attorney for Defendant,
SOUZA'S MILK TRANSPORTATION CO.

ORDER

The Court has considered the above Declaration and Stipulation in support of the parties' request to continue the Pretrial Conference and good cause appearing therefrom,

The Pretrial Conference is continued to February 8, 2008 at 8:30 a.m.

IT IS SO ORDERED.

Dated: December 3, 2007

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE